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OFFICE OF PETITIONS

In re Application of :
Donald V. Perino :
Application No. 09/629,862 : DECISION GRANTING PETITION
Filed: August 1, 2000 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 060809-0057-US :

This is a decision on the petition under 37 CFR 1.137(b), filed January 3, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 19, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 20, 2004.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3).

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE), along with a submission in the form of an amendment; (2) the petition fee of \$1500; and (3) an adequate statement of unintentional delay have been received. Accordingly, the reply to the final Office action of May 19, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

The application file is being forwarded to Technology Center AU 2634 for processing and action on the concurrently filed RCE and amendment.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
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for Patent Examination Policy